

United States District Court

**EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

§

§

vs.

§

Case No. 4:06CR1
(Judge Schell)

§

JOHN CHRISTOPHER CAFFEY

§

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on August 14, 2006 to determine whether the Defendant violated his supervised release. The Defendant was represented by Robert Arrambide. The Government was represented by Josh Burgess.

On December 1, 2000, the Defendant was sentenced by the Honorable Judge John McBryde to 36 months imprisonment followed by three years of supervised release after pleading guilty to the offense of Possession of a Firearm by a Convicted Felon. On July 11, 2005, Defendant completed his period of imprisonment and began service of his supervised term.

On March 22, 2006, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision. The petition asserted that the Defendant violated the following conditions: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall not possess a firearm, destructive device or

other dangerous weapon; (3) Defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony unless granted permission to do so; (4) Defendant shall not possess illegal controlled substances; (5) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance or any paraphernalia related to such substances, except as prescribed by a physician; and (6) Defendant shall not leave the judicial district without permission of the Court or the probation officer.

The petition alleges that the Defendant committed the following acts: (1) Defendant committed the offense of Aggravated Assault with a Deadly Weapon on September 8, 2005, in Paris, Texas; (2) Defendant committed the offense of the Unlawful Possession of a Firearm by a Felon on September 8, 2005, in Paris, Texas; (3) Paris Police Officers found Dee Ann Green, another convicted felon, hiding in the closet of the computer room where Defendant was found working on the computer; (4) Defendant was charged with Manufacture/Delivery of a Controlled Substance on September 13, 2005; (5) Paris Police confiscated 4 bags of a crystal substance from Defendant's car which field tested positive for methamphetamine on September 13, 2005; (6) Defendant committed the offense of Forgery on or about August 20, 2005, in Hutchins, Texas; (7) Defendant left the Eastern District of Texas without permission of the Court or his probation officer; (8) Defendant committed the offense of Falsification of Drug Test Results on August 2, 2005; (9) Defendant committed the

offense of Public Intoxication on July 19, 2005; (10) Defendant's urine specimens tested positive for methamphetamine on August 2, 4, and 16, 2005.

Prior to the Government putting on its case, the Defendant entered a plea of true to the above listed violations. At the hearing, the Court recommended that the Defendant's supervised release be revoked.

RECOMMENDATION

The Court recommends that the District Court revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twenty-four (24) months, to be served consecutively to any other sentence, with no supervised release to follow.

Signed this 17 day of August, 2006.

A handwritten signature in cursive script, appearing to read "Don D. Bush", is written over a horizontal line.

DON D. BUSH

UNITED STATES MAGISTRATE JUDGE